IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9694 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRABHUDAS BHOVANBHAI SAPORA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9694 of 1999

MR MUKUL SINHA for Petitioner No. 1

MR N.D.GOHIL, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 13/08/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Mukul Sinha for the petitioner and lesarned AGP Mr. N.D.GohIl appearing on behalf of the respondents.

2. In the present petition Rule has been issued by this Court on 8.12.1999. Learned advocate Mr. Sinha has submitted that identical question has been examined by this Court (Coram: P.B.Majmudar,J) in Special Civil Application No. 10532 of 1998 dated 20.7.2001.

3. When the matter has been taken up for hearing, learned AGP Mr. Gohil has placed on record copy of the letter dated 8.7.2003 addressed to the AGP wherein it is mentioned that the present petitioner who was working as A.S.I. in the I.B. and he was allowed to appear in the examination for the post of P.S.I. and thereafter the matter remained pending with the authority. Then the respondent has taken the decision on condition that, on completion of the training by the petitioner, the respondents are prepared to give appointment to the petitioner in the post of P.S.I. on ad hoc basis. Learned advocate Mr. Sinha has submitted that petitioner is prepared to undergo training as required for the post of P.S.I. but he submitted that respondents may be directed to send the petitioner for training immediately and as and when the petitioner completes the training, posting order may be issued by the respondent or, alternatively he submitted that if the respondents may give posting first to the petitioner on the post of P.S.I. and then they may send the petitioner for training, the petitioner is prepared to give an undertaking to the respondents that he will undergo the said training required for the post of P.S.I.

4. Learned AGP Mr. Gohil submitted that respondents will pass necessary orders in light of the submissions made by Mr. Sinha within a period of 15 days. Respondent will decide whether to first send the petitioner for training and then to give posting order or to give posting order first and then to send the petitioner for training. In view of this letter and considering the submissions made by both the learned advocates, it is directed to the respondents to pass appropriate orders in view of letter dated 8.7.2003 and decide, either to send the petitioner for training immediately or to give him posting in the post of P.S.I. subject to the clearance of training within a period of 15 days.

5. In view of the above observations and directions, present petition is allowed. Rule is made absolute accordingly. DS permitted.

(H.K.Rathod,J)

Jayanti*